

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 7, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Grant Monahan of IRC, Brad Klopfenstein of ILBA, Joe Quill and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 17, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the August 7, 2007 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR34-10317 ULTIMATE PLACE – Hearing Judge Choe requested the Commission uphold the local board and deny the renewal of this permit, based on the reasons listed in the Proposed Findings of Fact and Conclusions of Law.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and deny the renewal. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred fifty-two (352) renewals approved, forty (40) new and/or transfer permits approved, ten (10) permits approved for catering, eight (8) permits approved for first year escrow, one (1) permit approved for second year escrow, five (5) permits approved for third year escrow and four (4) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC71-04503 MARIA S. DILORETO SOCIETY - Chairman Heath stated the permittee requests the Commission convert this type 211-1 permit to a type 210 permit.

Commissioner Guthrie moved to approve this conversion. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-22919 MAC'S CONVENIENCE STORES, LLC, D/B/A CIRCLE K #2297 – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the local board voted to recommend denial because the applicant does not fit the definition of a grocery store; however, the Commission has approved many permits for this permittee at different locations.

Commissioner Guthrie moved to overturn the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-23290 VICOLI'S ITALIAN, INC. – Chairman Heath noted this is a new type 112 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL41-23256 MAC'S CONVENIENCE STORES, LLC, D/B/A CIRCLE K #2288 - Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated there is no evidence in the record that this application should be denied and there are no reasons listed on the local board voting sheet as to why the recommendation was to deny this new permit.

Commissioner Guthrie moved to overturn the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR42-19671 RON-GLAD, INC., D/B/A COOPER'S TAVERN – Chairman Heath noted this is a type 210-1 transfer of ownership with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated this applicant received numerous violations during the transfer process.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer of ownership. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR71-22473 DONALD KLOTZ III AND DUSTIN KLOTZ, D/B/A/ THE UNDERDOG SPORTS BAR & GRILL – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there have been numerous, serious violations at this establishment, including possession of cocaine on the premise.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-00528 CAMBURAD, LLC, D/B/A THE UGLY MONKEY – Chairman Heath noted this is a type 210 renewal application with the local board voting two (2) to one (1) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL25-23211 GOOD OIL COMPANY, INC., D/B/A GOOD TO GO #34 – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-00357 OLYMPIA RESTAURANT, INC. – Chairman Heath noted this is a type 210 transfer of location with the local board voting four (4) to zero (0) to approve; however, the location is less than 200 feet from a church.

Commissioner Guthrie moved to overturn the local board and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make twenty (20) permits inactive. Five (5) permits are subject to auction and fifteen (15) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

DL89-05250 GARPAW, INC., D/B/A PAPA JOE'S LIQUORS – Commissioner Guthrie stated this permit was made dead on 7-3-07. The permittee stated this permit should be put into use in the very, near future and, therefore, requests the Commission reactivate this permit.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-05467 DEKALB STREET LIQUORS – Commissioner Guthrie moved to remand this renewal application to the local board due to the fact that through some mix-up, the permittee did not show at the local board hearing. The permittee feels that, given the opportunity, the local board will be convinced to approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-14465 MERRILL, INC. - Commissioner Guthrie stated this permit was made inactive on 7-17-07. The permittee believes this permit can be put into use by the end of 2007 and, therefore, requests the Commission reactivate this permit.

Vice Chairman Johnson moved to reactivate this permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER